

COLINCU

CONNECTING THE LINKS FOR YOU

MARCH/APRIL 2021

BULLYING

What is it and what
can you do about it?

ADVICE FROM CATHERINE STEWART

AN EMPLOYMENT LAW SPECIALIST HELPS
YOU TO KNOW YOUR RIGHTS

WORKPLACE INVESTIGATIONS

THE THINGS YOU NEED TO KNOW

CELEBRATING WORLD ART DAY AND WORLD EARTH DAY

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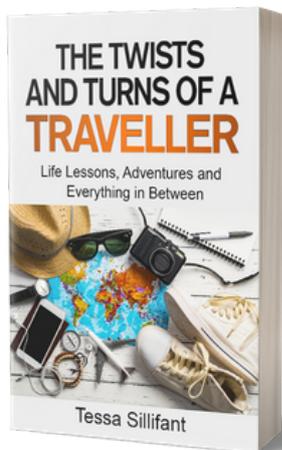


EDITOR'S NOTE

Welcome to issue 3 of COLINCU - a zine that aims to "Connect the Links for YOU" through inspiring, empowering and celebrating!

This issue covers a topic that is close to my heart and focuses on bullying - both at school and within the workplace. The aim of this issue is to raise awareness so that people are empowered with knowledge to help prevent bullying occurring and to understand the dynamics so that we can be more of a support to one another when bullying is present and occurring around us.

For those who don't know me, I am the author of "[The Twists and Turns of a Traveller; Life Lessons, Adventures and Everything in Between](#)" and a coach to help people overcome obstacles that are impacting upon them living a fulfilled life. I care about the world we live in and the people within it and believe when people love their lives, they put their best foot forward and this positive energy radiates around them which rubs off onto others. I am armed with life experience, and have a Bachelor's degree in Applied Science (Psychology), a Master's degree in Teaching (Primary) and a Diploma in Professional Coaching and I aim to combine my knowledge of the world, skills and experience to help others. I've worked in a number of different roles over the years, from organising professional development events and activities to providing pastoral care through mentoring and coaching tertiary students to collaborating with others to develop a wellbeing strategy that sought to get to the heart of the cause of what was causing unnecessary stress. A lover of travel and life, and a firm believer in the word being a powerful tool - I hope you enjoy what COLINCU has to offer!



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If you have feedback, an article, product or story you'd like to share then please get in touch! I'd love to hear from you and celebrate and share what you are up to! If you'd like to be kept up to date with new issues when they are released - you can [subscribe for free here](#)

You can also find and follow me on Instagram @tessasillifant Facebook @cornishkiwicoach and www.tessasillifant.com

BULLYING

WHAT IS IT AND WHAT CAN WE DO ABOUT IT?

When you say the word bullying, you may think about behaviours taking place in the school playground, perhaps from your own childhood experiences or from those that you have seen or heard about. Individuals who appear introverted, withdrawn, 'weaker,' or different are usually targeted as tactics are used by their peers to intimidate to get others on their side; which can be for a number of reasons such as gaining attention and power, to gain friends or to make themselves feel good (Needham, 2019; Bullying Free NZ, n.d.).

Within New Zealand, the Growing Up in New Zealand: We are eight study has found that approximately 1 in 3 children already at the age of eight, have experienced bullying within the last year (Morton et al, 2020). A number of initiatives are in place to support schools and the children within it, to help children feel emotionally and physically safe which includes policies, guidelines, resources and programmes; a list of which has been provided by ERO (2019) and has been included at the end of this article.

Whilst it's important that bullying at school is dealt with and recognised that it is not okay, you can also appreciate that children are in the position of learning about who they are, they are trying to manage working with others, adjusting to their shared community and are trying to understand how they fit into their environment.

In amongst this they will have individual differences, needs and realities, all of which may be at the other end of the spectrum to how they and others see, live and experience the world.

That's not to undermine the impact bullying can have on a child as this can leave an internal imprint that can last a lifetime (Bullying Free NZ, n.d.). Targets may find they spend their lifetime viewing themselves in a negative way that can impact upon their self-esteem and bullies themselves often have their own negative experiences that they are trying to process and deal with (Bullying Free NZ, n.d). However the effects of bullying can be harmful and targets may experience depression, shyness, self-harm, loneliness and physical illnesses (Bullying Free NZ, n.d.).

Statistically New Zealand data shows us that from July 2019 - June 2020, approximately 20% of the recorded deaths by suicide in New Zealand were of those who were under the age of 25 (Coronial Services of New Zealand, 2020). It is also important to recognise that the rational part of a person's brain (where good judgments and awareness of consequences takes place) is not fully developed until a person is around 25 years old, meaning those under this age are likely to be processing information emotionally more than rationally (University of Rochester Medical Center, 2021). Therefore as adults, it is crucially important that we have an awareness of this and are strong role models for our younger generations.

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We need to help them make connections, we need them to feel supported and we need to help them to make healthy decisions, so that they are able to carry out healthy actions and behaviours and have a healthy view towards themselves and others.

Sadly, bullying isn't just something that happens in childhood whilst people are growing up, it can also occur within the workplace. This has led to bullying being seen as a societal issue and its consequences linking bullying to be deemed as a Global Public Health Issue (Nazir, 2018; ERO, 2019; Srabstein, J. C., & Leventhal, B. L., 2020; Morton et al, 2020). Workplace guidelines and information have been put together to help organisations put in place processes and information to raise awareness and to support staff (Worksafe NZ, 2017).

However it is up to us all to help create positive change for our society and it can start with us all working together to become more aware of what bullying is and understanding how it can manifest and become a normalised part of a culture and learning what we can do to support one another.

So what is bullying and what can be done about it?

Worksafe NZ (2017) identifies workplace bullying as:

"repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm" p8.

"Bullying can also include harassment, discrimination and violence" (Worksafe NZ, 2017).

Like the impact bullying can have on a child, adults can find their health and wellbeing being affected and Worksafe NZ (2017) outlines the following impact bullying can have on a person: (p.10).

- anxiety, stress, fatigue, burnout
- decreased emotional wellbeing
- feelings of reduced personal control and helplessness
- increased likelihood of drug and alcohol abuse as a coping mechanism
- reduced coping strategies
- serious physical or mental health issues including depression and suicide attempts
- deterioration in health
- post-traumatic stress disorder
- low self-esteem.

BULLYING

WHAT IS IT AND WHAT CAN WE DO ABOUT IT?

Bullying within the workplace has also been known to be aimed towards individuals who have specific qualities that can feel threatening to a bully who may be in a more senior/ powerful role than their target which they use to their advantage (Needham, 2019). Targets may possess a number of different qualities that Bullying Online (n.d.) recognises can range from:

being competent in their role (e.g. having creativity, imagination, innovative thinking, able to think about the bigger picture and are good at their job),

being popular (e.g. are well liked, are seen as an expert where people seek advice from, and have a sense of humour),

having character strengths (e.g. have empathy, concern for others, are slow to get angry, have independence of thought, refuse to join established cliques and are fair and honest),

as well as being vulnerable (e.g. are proud of their reputation, believe they are working towards the same goals, are forgiving, have high tolerance levels and are perfectionists).

Bullying can also come out in various forms which Worksafe NZ (2017) recognises as ranging as follows:

Institutional bullying (e.g. this is where the organisations operate in a way where workloads are unmanageable, targets and deadlines are unrealistic and decisions are made without consultation that heavily impact upon the lives of workers).

Task related (examples include information being withheld or concealed to prevent the worker being able to carry out their work, criticism is constant, work is unreasonable or inappropriately monitored, no support is provided from your manager and sabotage takes place).

Personal attacks (e.g. this can be where belittling remarks take place, individuals are encouraged to feel guilty, humiliation takes place as well as ignoring and exclusion tactics are played).

Due to bullying often taking place because the bully feels threatened by their target's desirable qualities (such as having emotional intelligence, competence and is well networked), the bully's tactics to diminish the target's self esteem, performance and value can often be subtle (Needham, 2019).



BULLYING

WHAT IS IT AND WHAT CAN WE DO ABOUT IT?

A bully will often use an approach Needham (2019) describes as "divide and conquer" where isolation tactics such as false information and innuendos are given to others to cause mistrust amongst workers which result in others withdrawing, leading the target to feel isolated and communication being inhibited due to fear.

Workplace NZ (2017) highlights that bullying can flourish when staff feel unsafe to speak up to question organisational norms, when unreasonable practices and workloads are normalised, when no support is in place, where no processes are in place to deal with concerns and complaints and when people are targeted. Signs that a workplace bully is potentially present can include there being an increased turn-over of staff, sick-leave being taken more than normal, the culture of the workplace not being pleasant and performance, commitment, motivation and health and wellbeing decreasing amongst staff all of which negatively impacts upon the organisation (Workplace NZ, 2017).

So what can we do about it?

The workplace bully is often charming and intelligent and will likely have excellent verbal skills yet deliberately knows how to manipulate and intimidate which they may do by exploiting vulnerabilities as well as playing the 'victim' (Needham, 2019).

With this in mind, tackling bullying can be incredibly difficult as scenarios often take place with no witnesses and becomes one person's word against another (Needham, 2019). Therefore it is important to minimize the risk of bullying occurring and one way of doing this is to ensure workers are educated and have an awareness of what bullying is and the consequences (Worksafe NZ, 2017). This empowers people with knowledge which can help support the target and can reduce the power a bully carries as they often use tactics to isolate and intimidate.

Worksafe NZ (2017) also recommends other preventative measures such as:

- having transparent policies, processes and systems in place so that workers know what to do and who to go to if there are particular issues within the workplace,
- having good relationships at work that promote a positive culture whereby staff have a shared purpose, diversity is recognised and respected, and an inclusive culture is promoted,
- systems and processes are in place so that workloads are manageable and support such as training and resources are in place to help support this,
- managers are developed so that they have good leadership skills and awareness,
- a system is in place for staff to come forward and make a complaint or to report incidences in a way where they will be taken seriously and action can take place to deal with bullying behaviour,
- support is in place so that a representative can be available for workers.

BULLYING

WHAT IS IT AND WHAT CAN WE DO ABOUT IT?

If a target is being bullied, Worksafe NZ (2017a) recommends details are recorded such as the date, time, where it occurred, what happened, who was present, what was said, who said what, whether there were any witnesses and how you felt.

An informal process handled within the workplace can include a HR representative or a Manager liaising directly with the bully to remind them of the Code of Conduct to be carried out in the workplace as well as a mediation process (Worksafe NZ, 2017a).

If a formal process is taken a complaint can be lodged and investigated and external help can be sought as there are a number of laws in place to protect workers from harm which have been outlined by Worksafe NZ (2017a) and are included as follows:

Employment Relations Act (2000)
Health and Safety at Work Act (2015)
Harmful Digital Communications Act (2018)
Human Rights Act (1993)
Harassment Act (1997)
Crimes Act (1961)

All in all, bullying is known to be costly to an organisation but also can have a substantial impact to a target's health and wellbeing.

Therefore it is up to us all to work together, to be armed with knowledge and understanding, to find out what policies and processes are in place within the workplace and to advocate for these if they are not present so that bullying can be addressed and staff can be supported.

If you are experiencing bullying and are in need of a coach to support you through your situation, please do not hesitate to get in touch with me (Tessa) at tsillifant@gmail.com.

You do not have to suffer through this alone.



For further information regarding bullying and what can be done a list of resources can be found on the next page.

RESOURCES

WORKPLACE BULLYING RESOURCES

Worksafe - tools and resources

Worksafe - Bullying at work: Advice for workers

Worksafe - Preventing and responding to bullying at work:
Advice for small businesses

Worksafe - Preventing and responding to bullying at work:
for persons conducting business or undertakings (PCBUs)

RESOURCES FOR PARENTS AND SCHOOLS (ERO, 2019)

The Bullying-free NZ School Framework

The Bullying-Free NZ website

Kia Kaha

Travellers

Keeping ourselves safe

KiVa

Loves-me-not

Cyberbullying

WORKPLACE INVESTIGATIONS

When a concern of workplace bullying is raised, an investigation may need to take place. Employment New Zealand (2020) provides an overview of the things that should be considered and prepared for in the link below.

[Employment New Zealand Workplace Investigations](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/disciplinary-action/investigation/)

Here is a quick overview of some of the key points raised.

- An investigation is to determine the facts.
- An investigator needs to be neutral and unbiased.
- Worksafe New Zealand can carry out investigations.
- Other experienced unbiased professionals such as HR may also be appropriate for carrying out an investigation.
- A Terms of Reference will need to be drawn up to clearly outline the issue, the process as well as identify who the investigator will be, who will be interviewed and the timeframe for the investigation.
- Witnesses will be identified and interviewed.
- The employee being investigated will receive a copy of the interview statements from witnesses in advance of their own interview.
- A report will be drawn up outlining concerns and findings along with reasons and thinking.
- Decisions and recommendations are not to be included within the report.

[Employment New Zealand \(n.d.\). Investigations. https://www.employment.govt.nz/resolving-problems/steps-to-resolve/disciplinary-action/investigation/](https://www.employment.govt.nz/resolving-problems/steps-to-resolve/disciplinary-action/investigation/)

INTERVIEW WITH CATHERINE STEWART

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Today I have the pleasure of liaising with Catherine Stewart, a Barrister who specializes in Employment Law. Thank you for your time today Catherine and for sharing your knowledge and advice to provide clarity on the best approach to take if you find yourself in a workplace bullying situation.

Below are a series of questions and answers to help raise awareness and understanding on the matter.

Tessa: At what point should a target of bullying seek legal advice?

Catherine: As soon as an employee becomes aware or cognisant of the fact that he or she may be a victim of workplace bullying, the employee should seek legal advice on how best to approach the issue. The strategy may be different depending on who the perpetrator of the bullying is, the nature and severity of the bullying, and the employee's desired outcome (e.g. try to resolve the issues and move forward, or try to exit the workplace with some compensation for the hurt/distress caused).

Tessa: In cases where a workplace investigation takes place, where evidence is obtained and an opportunity to resolve internally within the organisation is carried out; would seeking legal advice then become a last resort? Or only a matter to take further if the organisation isn't acknowledging or acting on complaints made?

Catherine: Seeking legal advice should not be seen as a 'last resort'. It is important that employees understand their rights and all possible legal and strategic options, so that they can make an informed choice about how they wish to go about addressing the issue.

Catherine Cont: Sometimes an internal investigation may be appropriate. This is especially so when an employee complains about bullying by a colleague, or complains to the 'manager's manager' about bullying by their immediate report line manager. Such an investigation should be carried out by an independent person. If it is not practical for someone internal to act as an independent investigator, that role should be outsourced to someone who can be a neutral and non-partisan fact-finder. There are a number of lawyers, as well as HR advocates/consultants, who offer services as independent workplace investigators.

However, an investigation may not be appropriate or practical in all situations. For example, if the employee works for a small business, and is being bullied by the only owner/director/manager, then the accused person cannot investigate themselves. In that situation, an employee may be best advised to proceed straight to a personal grievance claim, and then seek some compensation through without prejudice negotiations or mediation.

A personal grievance claim may also be raised where an employee makes the employer aware of their complaints, but the employer refuses to acknowledge or act on them in any meaningful way. This can include where an employer does no more than pay 'lip service' to the employee's concerns.

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Tessa: As incidences can often be one person's word against another (which can be a barrier for targets to come forward and can contribute towards targets choosing to leave their job rather than stay in the environment they are in), what advice would you give to someone experiencing bullying to help reduce future bullying incidents occurring?

Catherine: An employee who believes they may be a victim of bullying should make a detailed dossier of the facts as they arise. Where an incident happens, write down the date, time, location, who was involved, what was said, the names of anyone who could be witness to it, and other relevant details. Having contemporaneously made file notes will enhance the victim's credibility if it comes down to one person's word against the other.

This should be done cautiously however, since if an employee is seen to be holding on to information for an extended period of time, in order to 'build a case' against the employer and ambush the employer with everything at once, the employee does open themselves to a breach of good faith claim – on the grounds of a failure to be responsive and communicative in the employment relationship.

If the employee is concerned about becoming a future target for raising complaints, the employee should 'front-foot' this with the employer. The employer has a statutory obligation under the Health and Safety at Work Act 2015 to provide a safe workplace, which includes 'safety' from a psychological/mental health perspective. If an allegation of bullying is substantiated, the perpetrator should be appropriately disciplined.

Catherine Cont: In the worst cases (especially where conduct is repeated and/or serious), this would include dismissal. In other cases, where the perpetrator remains employed, the employer has an obligation to manage the ongoing relationship. This might include, for example, shifting the perpetrator to a different team or division from the complainant, or changing reporting lines.

Tessa: What would a typical process look like when handling a bullying situation when legal advice is sought?

Catherine: An employer may have its own policies or procedures for dealing with complaints of bullying which it should follow. This may vary between companies and organisations.

From a complainant's perspective, what process he or she may ask the employer to follow may depend on the complainant's desired outcome. Some will just want the conduct to cease but want to continue working for the employer. Others may consider the bullying is so severe that ongoing employment is tenable, and may therefore want an exit strategy, with some form of financial compensation.

Lawyers can advise employees who complain of bullying on their different options and help craft a strategy based on their desired outcome(s), whatever that might be.

Tessa: Thanks again Catherine for sharing your time and knowledge with us, to help raise awareness and provide support on the topic of workplace bullying.

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Specializing in all areas of employment law, Catherine has around 25 years' experience as an employment and litigation lawyer. She joined the independent bar as a barrister sole in 2012, having held senior roles in employment law including at partnership level in a major city firm. She also has significant experience in civil and commercial litigation.

Catherine has successfully argued many high profiles cases, including recent notable cases on redundancy and principles around reinstatement.

Catherine also won a landmark case on stress in the workplace in the Employment Court, and argued a landmark case on freedom of association for which she was appointed "amica curiae" (adviser to the Court) by the Employment Court and the Court of Appeal.

Catherine holds a Bachelor of Laws with Honours and a Bachelor of Arts in languages.

A regular presenter and writer on topical employment law issues, Catherine is the Convenor of the Auckland District Law Society Inc. Employment Law Committee, a committee which represents practitioners in regular meetings with Judges, members of the Employment Relations Authority, mediators, Government departments and other employment-related institutions such as trade unions.

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CELEBRATING WORLD ART DAY 15TH APRIL 2021

Art can be defined as using imagination and creative skills to produce something that is usually in a visual form (Oxford Dictionary, 2021). The aim of World Art Day is to celebrate and promote the enjoyment of art as diverse artistic expressions benefit and enhance society in many ways (UNESCO, 2020). Benefits can range from providing connections and fostering engagement to raising self-esteem and confidence to improving educational outcomes, nurturing a sense of belonging as well as aiding understanding to interpret and adapt to the world we live in (Creative New Zealand, 2021).

What art can you see around you or participate in?
What art can you support?
In what way could you celebrate World Art Day?



Theme =
Restore our Earth

WAYS TO GET INVOLVED

WORLD EARTH DAY

22-04-21

Tips provided by <https://www.earthday.org/earth-day-tips/>

REDUCE PLASTIC WASTE

Continue to use reusable grocery bags
Have your own reusable water bottle
Bring along your own reusable coffee cup
Avoid using and buying single-use plastic items.

REDUCE - REUSE - RECYCLE

SUPPORT LOCAL

Support local food produce and businesses that use organic products.

START 'PLOGGING'

Also known as picking up rubbish whilst jogging!

<https://cleanup.earthday.org/pages/plogging-page>

ENGAGE YOUNG ONES WITH THEIR SURROUNDINGS

Children are naturally curious and when they have the opportunity to observe nature, they learn so much more about the world they live in. From life cycles and nature to colours and the weather. The more they are able to engage with the environment, the more likely they will grow up to care about it in the future.

BE AN ARTIST FOR THE EARTH

Inspire and advocate for people to care for our Earth through artistic expression such as songs, dance and videos.

<https://www.earthday.org/learning-through-art/>

SAVE OUR RESOURCES

Turn off lights when they are not being used.

Avoid using toxic cleaning chemicals as they run into the drains and can impact on the environment.

Look at creative ways of reducing the likelihood of wasting water.

COMPETITION
CELEBRATING SHORT STORY MONTH

FOR YOUR CHANCE TO WIN A COPY OF THE TWISTS AND
TURNS OF A TRAVELLER, SUBMIT A SHORT STORY OF A
MAXIMUM OF 500 WORDS TO
MAGAZINECOLINCU@GMAIL.COM BY 25TH APRIL 2021.
TOPIC TITLE = I WISH... THEME = WELLBEING

Coming soon!
In the next issue...

**THE
IMPORTANCE
OF POSITIVE
PSYCHOLOGY**



INTERVIEW



**TO KEEP UP TO DATE WITH NEW ISSUES WHEN THEY ARE
RELEASED YOU CAN SUBSCRIBE FOR FREE HERE**



SPECIAL THANKS

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